



TOWN OF ARLINGTON

730 Massachusetts Ave.
Arlington, MA 02476
781-316-3012

ARLINGTON CONSERVATION COMMISSION

Arlington Conservation Commission

Minutes

July 11, 2019

Mr. Stevens called the meeting to order at 7:34 p.m. in the Main Room of the Arlington Senior Center. Present were Commission Members David White, Susan Chapnick, Nathaniel Stevens, Chuck Tirone, Mike Nonni, and Pam Heidell; Associate Commissioner Cathy Garnett; and Conservation Agent Emily Sullivan. Also present were Angela Cavallaro, Kevin O'Neil, George McGinnity, John Rockwood, Karen Grossman, Ed Boucher, Lucilia Prates, Harold Boucher, Peter Musial, Dan Klebanov, Kim Carney-Wong, Jennifer Mansfield, Ben Ferber, Alice Trexler, Fiona Howard, Downing Cless, Lisa Fredman, as well as other members of the public who did not sign in.

Administrative

06/20/2019 Meeting Minutes

The Commission discussed edits to the draft minutes. S. Chapnick motioned to approve the minutes as edited, P. Heidell seconded, all were in favor, motion approved.

Alternatives Analysis Memo

The Commission agreed to continue discussing the issue of alternatives analysis including the memo prepared by Commissioner Heidell, with the possibility of including it in the next revision of the Commission's regulations.

Town Day 2019

E. Sullivan stated that a pop-up tent customized with the Commission's name on it could cost between \$500-\$700. The Commission recommended buying a generic green pop-up tent and customizing a banner for the Commission's Town Day booth, as the banner could also be used for other events. Town Day will be on Saturday, September 14th from 10am-3pm.

Arlington's Great Meadows

D. White updated the Commission that evidence of skeet shooting had been found on several occasions in the Great Meadows recently. Volunteers have since cleaned up the debris. Friends of Arlington's Great Meadows and others have contacted the Lexington Police who plan to watch this area more closely. The Lexington Conservation Commission is aware of the issue which has occurred on their lands as well.

Discuss Process for Electing New Chair and Possible Vote

N. Stevens stated that he would like to step down from being the Commission Chair, as he felt it was time for a change and also give someone else the opportunity to chair the Conservation Commission. He asked how the Commission would like to proceed with electing a new Chair. S. Chapnick suggested that there should be a mechanism for strategic succession, such as having two Co-Chairs. One Co-Chair could be a senior position, and the other Co-Chair could be a junior position so that the leadership could be phased in a more streamlined manner. C. Tirone stated that the Reading Commission has a Chair and Vice Chair, with specified term limits and annual votes for these positions. The Commission discussed these options, but did not come to a consensus. The conversation will be continued to another meeting.

Report of dumping at Spy Pond bank by Conservation Commissioner

S. Chapnick showed photos of dumping near a culvert of Spy Pond at Princeton Road & Alfred Road. Tires and debris were evident on the bank. The Commission requested that E. Sullivan ask DPW to remove the tires and put up a No Dumping Sign in this area.

Conservation Commission Candidates

N. Stevens introduced George McGinnity, a resident interested in filling an open position with the Conservation Commission. Mr. McGinnity had sent an application to the Town Manager.

All Commissioners introduced themselves, stated their professional background and its relevance to the Commission's work, and how long they have served on the Commission. G. McGinnity introduced himself, and stated that his professional background included over 30 years of experience in environmental and transportation engineering with the MBTA. G. McGinnity has also served on the Arlington Conservation Commission in the past. P. Heidell asked G. McGinnity if he had any stormwater experience, which G. McGinnity stated that he does. G. McGinnity stated that he would be interested in an Associate Commissioner role if a Commissioner role was not available. G. McGinnity is particularly interested in the proposed development of the Mugar Property along Route 2.

N. Stevens thanked G. McGinnity for attending the meeting. N. Stevens stated that there were several candidates interested in joining the Commission, and that each candidate would similarly attend a meeting to learn more about expectations, level of commitment needed to be a Commissioner, and how the candidates' expertise addresses current knowledge gaps within the Commission. When the Commission has met every candidate, it will make a recommendation to the Town Manager about who he should appoint, subject to the Select Board's approval.

Request for Certificate of Compliance: 17 Reed Street

Documents reviewed: Request for Certificate of Compliance

As-built plans dated 7/1/2019

Order of Conditions issued 10/27/2016

Resource areas: Reeds Brook, 100-Foot Buffer Zone/Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland Regulations, 200-Foot Riverfront Area

The Commission determined that there were two ongoing conditions as part of the Order of Conditions (MassDEP file number 091-0279) issued on 10/27/2016. The ongoing conditions include:

1) Plantings installed per the approved planting plan shall be monitored by the property owner for three consecutive growing seasons. A monitoring inspection shall be conducted by the Conservation Agent (781-316-3012) during November 2019, 2020, and 2021.

2) All pervious area per the approved as-built plan shall remain as pervious area in perpetuity.

C. Tirone motioned to issue the full Certificate of Compliance with the aforementioned ongoing conditions, D. White seconded, all were in favor, motion approved.

Notice of Non-Compliance: 44 Forest Street

Documents reviewed: Notice of Non-Compliance

Resource areas: Mill Brook, 100-Foot Buffer Zone/Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland Regulations, 200-Foot Riverfront Area, Floodplain

Property owner K. O'Neil explained that the driveway work completed was to repair driveway, and did not include expansion or regrading. The Commission discussed the situation and felt that any questions were clarified and finding no issue of non-compliance. Given that the work completed was maintenance, the Commission agreed to issue a Notice of Compliance.

C. Tirone stated that he would like the Conservation Agent to use her discretion and resolve similar non-compliance issues herself, rather than immediately bring them before the Commission. P. Heidell stated that the Commission should be particularly diligent regarding work in the floodplain, to ensure no encroachment on flood storage, even with so-called maintenance and repaving projects.

Notice of Intent: 34 Dudley Street

Documents Reviewed: NOI, dated 6/19/2019

NOI Packet, dated 6/19/2019

34 Dudley Street Existing Conditions Plan, dated 5/23/2019, stamped by Joseph R. Porter PLS

34 Dudley Street Proposed Conditions Plan, dated 5/5/2019, revised 5/18/2019, stamped by Joseph R. Porter PLS and Marc Besio PE

Resource Areas: Mill Brook, 100-Foot Wetlands Buffer Zone, 200-Foot Riverfront Area

The Applicant's Representative, J. Rockwood, presented the proposed project. The project includes removing an existing building and concrete loading dock at an autobody shop, and replacing it with a building that is exactly the same size in the same footprint. The building would be lowered to ground level, as it is currently elevated, which would lower the building's height by a few feet.

C. Tirone asked why this application does not include an alternatives analysis. J. Rockwood cited section 10.58(5) of the Wetlands Protection Act, stating that the proposed project meets redevelopment standards so does not need an alternatives analysis.

C. Tirone asked how this work impacts the proposed Wellington Park Phase 2 project. E. Sullivan stated that this proposal has not impact on the Wellington Park Phase 2 project of a linear park proposed along Mill Brook because although the property overlooks the park, the gradient is so steep between the autobody shop and the brook at his location that this area would be unusable as part of the park.

P. Heidell asked why the building would be replaced exactly as is, rather than pushing the building back farther away from the resource area. This structure is a pre-existing non-conforming structure, but P. Heidell stated that the Applicant can reduce the non-conformity. J. Rockwood stated that the building has to be the exact same size per a conversation with Inspectional Services.

S. Chapnick commented that this building would not be permitted under today's wetlands regulations if it was not pre-existing.

N. Stevens asked if there was a planting plan for this proposal. J. Rockwood said there was a planting narrative. C. Garnett and M. Nonni stated that the planting narrative and proposed native plants looked acceptable.

C. Tirone and N. Stevens recommended conducting a site visit. The Commission expressed that it would like to make the site even more compliant, and a site visit would be beneficial. E. Sullivan will schedule a time for a site visit before the next Conservation Commission meeting.

C. Tirone recommended that the dumpster onsite be enclosed as part of this project as an improvement for the resource area.

C. Tirone motioned to continue the hearing to the 7/25/2019 Conservation Commission meeting, M. Nonni seconded, all were in favor, motion approved.

Notice of Intent: 61 Sunnyside Avenue (continued from 6/6/2019)

Documents Reviewed: NOI Package, dated 5/22/2019

61 Sunnyside Avenue Letter of Map Amendment from FEMA, dated 6/16/2011

*61 Sunnyside Existing and Proposed Conditions Plan Set
Revised NOI and Narrative, dated 7/8/2019
Revised Proposed Plot Plan, not dated
Certified Plot Plan, dated 7/2/2019, stamped by Richard J. Mede PLS*

Resource Areas: Alewife Brook, Floodplain, Floodway, Bordering Land Subject to Flooding, 100-Foot Wetlands Buffer Zone, 200-Foot Riverfront Area

S. Chapnick recused herself from this matter because the Applicant is a family friend. S. Chapnick has been helping the Applicant understand the local Bylaw and Wetland Regulations in order to provide a complete application compliant with these regulations.

The Applicant presented new documents, including the revised NOI, certified plot plan with an updated floodplain line, and revised proposed plot plan. With these revisions and additions, the proposed work now falls outside of the floodplain.

P. Heidell asked about expanding the driveway by 80 square feet, and not the 180 square feet currently being proposed. C. Tirone disagreed, and stated that the proposed expansion did not need to be reduced per impervious surface standards in the local regulations. P. Heidell stated that her rationale was not for impervious area, but challenging the Applicant to see if the driveway could be smaller. If the driveway could be smaller, the Applicant should make it smaller. The Applicant stated that the proposed new driveway would be pervious, replacing the impervious existing driveway space, and expanded to fit four vehicles; presently, the driveway cannot accommodate all cars that are often at the house.

Public Comments

L. Prates stated that she welcomes any improvements to this property, but wants to ensure that stormwater runoff and flooding does not increase in her abutting property due to this project. She also asked how the addition would be built, considering the shared wall between 59 and 61 Sunnyside Ave is not a fire wall. The Commission stated that Inspectional Services will oversee that issue.

L. Prates asked how long Conservation Commission permits are valid. The Commission stated that permits are valid for 3 years, and construction can only occur during the construction hours outlined in Town bylaws and regulations.

Commissioners N. Stevens and C. Tirone were not present for the initial hearing on 6/6/2019. Both Commissioners need to listen to the audio recording of the 6/6/2019 meeting in order to make quorum for the proposal's deliberation. D. White motioned to close the public hearing and deliberate at the 7/25/2019 Commission meeting, P. Heidell seconded, all were in favor, motion approved.

Notice of Intent: 36 Peabody Road

The Applicant requested that the hearing be continued to the July 25th, 2019 meeting.

D. White moved to continue the hearing to the July 25th meeting, C. Tirone seconded, all were in favor, motion approved

Notice of Intent: 47 Spy Pond Lane Lot 1/A

Documents Reviewed: NOI Package, dated 6/11/2019

Drainage Analysis, conducted by Alan Engineering LLC, dated 6/28/2019

Planting Plan, stamped by James Richard Keenan, dated 11/7/2018, revised 6/11/2019

Proposed Site Plan, stamped by James Richard Keenan, dated 11/7/2019, revised 6/11/2019

Cross Section of 47 Spy Pond Lane Lot 1/A, dated 6/10/2019

Resource Area: Spy Pond, Bordering Vegetated Wetlands, 100-Foot Adjacent Upland Wetland Resource Area (AURA) under the Arlington Wetland regulations

M. Trudeau presented the project proposal, which is the fourth NOI for this project on Lot 1/A. M. Trudeau stated that S. Seaver proposed two additional mitigation measures to include as amendments to the NOI filed in the fall of 2018. The two mitigation measures include: 1) installing a stormwater quality unit at the intersection of Princeton Road and Alfred Road to collect and manage stormwater from the site and from the street (an originally proposed \$5,000 donation to a Spy Pond mitigation effort will be applied to the installation of this unit) and, 2) shortening the house by 2.5 feet along the entire 38-foot width of the structure, creating a reduction of 95 square feet (2.5-feet x 38-Feet= 95 square feet), which would result in the structure being 74.5 feet away from the pond (2.5 feet farther than the last proposal which was denied by the Commission). The house presented in this NOI is 8% smaller than the house size presented in Fall of 2018. M. Trudeau stated that although the house size has been reduced, the stormwater unit proposed to be installed onsite is still sized for a the larger house originally proposed in 2016.

Since the 7/11/2019 hearing, S. Seaver submitted the following 11 items:

- 1) The diameters of the two (2) sycamore replacement trees to have been changed to 3 inch dbh (rather than the 2.5 inch dbh shown on the site plan).
- 2) A viewing port has been added to the infiltration system units.
- 3) The drip line of the 17 inch sycamore tree has been added to the site plans to show the impact to the house design if the tree were to be preserved.
- 4) A statement from the engineer has been added to the drainage plan stating that the entire roof area is captured and storm water flows are all sent to infiltration units.
- 5) A detail of the construction of the retaining wall next to the house has been added to the plans.
- 6) Grading that would be needed if the retaining walls were not proposed has been added to the site plans. (i.e. how far into the AURA the grading and filling would extend)

- 7) The Town Engineer has been asked if a retaining wall can be set upon the sewer line easement.
- 8) The relationship of the retaining wall on Lot 1 to the retaining wall on Lot 2 has been added to the site plans.
- 9) A memo for price estimate to repave the 1.55 acres of roadway contributing runoff to the Vortechnic Unit.
- 10) A drawing of the house on the lot to better allow the Commission to view the "mass" of the house.
- 11) The Town Engineer is reviewing the Drainage Calculations.

S. Chapnick reminded the Commission and audience that profitability is not under conservation jurisdiction, but impact on resource areas is under conservation jurisdiction.

M. Trudeau reviewed a memo from William Copithorne, Realtor at Sweeney & O'Connell, assessing recent construction of moderate size homes in Arlington. S. Seaver then asked the Commission if it would like him to review the various aspects of real estate profitability for the benefit of members of the public, who have had many questions and comments regarding profitability, to show why he could not build a 2,400 square foot house. The Commission said he could for the benefit of the public though cautioned it probably would not give it great weight. S. Seaver discussed the aspects of the project, including fixed and variable costs, and concluded that he needed the large house he proposed to make the project feasible; a smaller house would not be feasible due to fixed costs.

C. Garnett stated that she was happy with the cross-section visuals submitted for this hearing. C. Garnett also stated that discussions around alternative analyses never truly get to the core mission of the Conservation Commission - e.g. that the discussions never really discuss resource areas and performance standards. M. Trudeau recommended the new MACC Wetlands Buffer Zone Guidebook, which was released this month. M. Trudeau stated that it was particularly helpful for alternative analyses. E. Sullivan said she would make a copy of the guidebook accessible to the Commission.

N. Stevens asked whether the proposed retaining wall between Lot 1/A and Lot 2/B could be removed for free access for wildlife. M. Trudeau said that it could. N. Stevens also asked why the proposed retaining wall on the other side of the house could be eliminated by building the house at grade so that there is not drop, such as the currently proposed 4-foot drop after the retaining wall. S. Seaver said the grade was needed so he could measure and meet the maximum height limit under zoning.

S. Chapnick stated that she went to site that day to assess the sycamore tree, and noticed that there were larger trees close to other houses in the area. M. Trudeau stated that if the sycamore tree was to remain, it would be difficult for the property owner to get homeowner insurance since a large section of roots would need to be cut when the foundation is poured. C. Garnett agreed that the sycamore tree would be too close to the proposed house, especially since the roots will also be cut to install the stormwater unit.

Public Comments

K. Carney-Wong stated that S. Seaver was making profit an issue in this permit application. She also expressed irritation that this project was still being proposed even though variations of the proposal have been denied in the past.

D. Klebanov referenced the letter sent to the Commission by the Arlington Residents for Responsible Redevelopment, written by Don Seltzer. D. Klebanov stated that a smaller house can still be profitable, and that S. Seaver's profitability explanation did not take into account waterfront value and therefore his conclusions are wrong.

P. Musial asked what the Commission would do regarding possible rodent activity on the site. The Commission recommended reaching out to Health and Human Services, which offers rodent inspections.

A. Trexler asked if the proposal has an alternative analysis. N. Stevens confirmed that an alternative analysis was submitted on 6/9/2019.

M. Vatz, member of the Arlington Tree Committee, reminded the Commission that Arlington has suffered a net loss of 2,000 trees in the last 40 years. M. Vatz asked if the Applicant has looked at changing the house footprint to save the sycamore tree.

With the assent of the applicant because the Town Engineer had not yet provided comments on the proposed stormwater management, C. Tirone motioned to continue the public hearing to the 7/25/2019 Conservation Commission meeting, S. Chapnick seconded, all were in favor, motion approved.

Meeting adjourned at 9:48pm.

The Conservation Commission's next meeting scheduled for Thursday, July 25th, 2019 at 7:30pm in Second Floor Conference Room of the Town Hall Annex.

Respectfully submitted,
Emily Sullivan